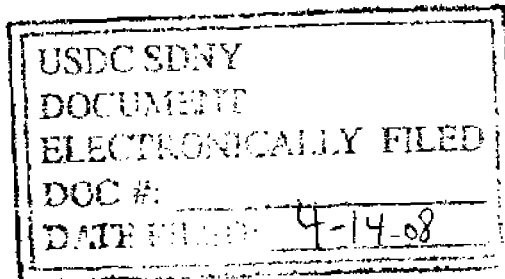


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Attorneys for Defendant Merck & Co., Inc.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

Fosamax Products Liability Litigation

1:06-md-1789 (JFK)

-----X
This Document Relates to:

Franz Martin, et al.

v. Merck & Co., Inc.

Case No: 1:07-cv-9483-JFK
-----X

STIPULATION AND ORDER OF DISMISSAL WITH PREJUDICE

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiffs in the above captioned case and Defendant Merck & Co., Inc., ("Merck") through their respective undersigned counsel, as follows:

I. This case having been resolved upon the agreement of the above named Plaintiffs to voluntarily dismiss with prejudice their claims against Merck in the above-captioned case and the agreement of Merck not to seek from Plaintiffs its fees and costs, the following Plaintiffs are hereby dismissed from the above captioned case with prejudice pursuant to Fed. R. Civ. P. 41(a)(1)(ii):


Tina Mackler
Ann McBee
Nancy Mohr
Sylvia Ortega
Raymonda Pahlka

2 Each party is to bear its own costs and attorneys' fees.

Dated: March ~~28~~ 28, 2008

PHILLIPS & ASSOCIATES

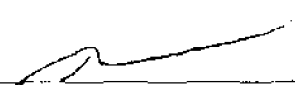
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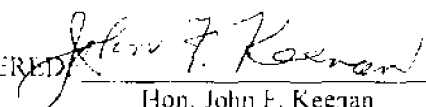
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SO ORDERED


Hon. John F. Keenan

4/14/08